

**TOWN OF ELSMERE  
BOARD OF ADJUSTMENTS  
MEETING MINUTES  
April 19, 2012  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE:**

**CALL TO ORDER:**

**ROLL CALL:**

Board Member Patricia Boyd – Present  
Board Member James Personti – Absent  
Board Member John Smith – Present  
Board Member John Acton – Present  
Chairman Paul Chalfant – Present

**APPROVAL OF MINUTES:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

Review Petition 12-9 Tax Parcel # 1900-500-150 also known as 211 Ohio Ave.

Town Manager, John Giles, stated that the Pickels had a fire at their property and were permitted by the Town to rebuild, and in the re-building process, they kept their existing basement which is not permitted in the zone the house is located in. He stated that the Pickels were given documentation by the Town stating that when they re-built their home, they would not be permitted to have a basement as well as copies of the Town's Code stating the same. He went on to say that FEMA advised him to issue a citation to the Pickels due to the violation. He then said, he did just that because he can't risk the rest of the Town's Flood Insurance Capabilities because they don't follow the Flood Plain regulations. Town Manager Giles went on to state that the Pickels are there to request a special variance and prove a hardship that's required in order for a variance to be granted so they would not have to fill in their basement. He then said that they comply with every other flood plain regulation. Mr. Giles said that the official position

of the Town on the issue is that they're opposed to a variance being issued, but it's the Board's decision whether to recommend to Council to approve or deny the request

Board Member Acton asked if there was a survey done and by how many feet are the Pickels out of compliance.

Code Officer, Brian Swift, stated they are 5.1 feet below the flood elevation.

Chairman Chalfant stated that, from the information that was provided to him, it looks as though there were blunders made on the part of the Code Officer at the time the re-building was taking place.

Pam Pickel, owner of the home at 211 Ohio Ave along with Don Pickel, stated that it was the Code Officer's idea to knock out the floor of the basement and put stone in it's place in order to comply with the flood plain regulations. She went on to say, the Officer came out numerous times and they complied with everything they were told to do.

Don Pickel said they had contractors rip them off during the re-building of the home.

**ACTION:** A motion was made by Board Member Smith to recommend Approval of Petition 12-9 to the Town Council. The motion was seconded by Board Member Boyd.

**VOTE:** All in favor 4-0 with 1 Absent Motion Carried

Review Petition 12-10 Tax Parcel # 1900-800-332 also known as 1006 Dover Ave.

The applicant failed to appear before the Board.

**ACTION:** A motion was made by Board Member Smith to Deny Petition 12-10. The motion was seconded by Board Member Boyd.

**VOTE:** All in favor 4-0 with 1 Absent Motion Carried

**ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:** None

**PUBLIC COMMENT:** None

**ADJOURNMENT:**

**ACTION:** A motion was made by Board Member Smith to adjourn. The motion was seconded by Board Member Boyd.

**VOTE:**            All in favor                      4-0 with 1 Absent                      Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the April 19, 2012 Board of Adjustment Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

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**PAUL CHALFANT, CHAIRMAN**

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**JAMES PERSONTI, SECRETARY**